

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD KEVIN GREGORY,

Plaintiff,

CIVIL CASE NO. 04-40258

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

/

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Defendant's motion for summary judgment and the Report and Recommendation of the Honorable Paul J. Komives, United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Defendant's motion for summary judgment. The Magistrate Judge served the Report and Recommendation on all parties on January 31, 2006 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately February 14, 2006. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those

findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 20] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant’s motion for summary judgment [docket entry 13] is **GRANTED**.

SO ORDERED.

Dated: February 28, 2006

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on March 1, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Jennifer L. Best, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Donald Kevin Gregory.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845